

FILED

1 KEVIN V. RYAN (CASBN 118321)
United States Attorney

JUN 19 2006

2 MARK L. KROTOSKI (CASBN 138549)
Chief, Criminal Division

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

4 ROBERT DAVID REES (CASBN 229441)
Assistant United States Attorney

5 450 Golden Gate Avenue, Box 36055
6 San Francisco, California 94102
7 Telephone: (415) 436-7210
Fax: (415) 436-7234
Email: robert.rees@usdoj.gov

8 Attorneys for Plaintiff

10 UNITED STATES MAGISTRATE COURT

11 NORTHERN DISTRICT OF CALIFORNIA

12 SAN FRANCISCO DIVISION

13 UNITED STATES OF AMERICA,) No. 3 05 70551
14 Plaintiff,) [PROPOSED] ORDER AND
15 v.) STIPULATION FOR CONTINUANCE
16 ANTHONY TRAVIS,) FROM JUNE 1, 2006 TO JUNE 29, 2006
17 Defendant.) AND EXCLUDING TIME FROM THE
SPEEDY TRIAL ACT CALCULATION
(18 U.S.C. § 3161(h)(8)(A)) AND
WAIVING TIME LIMITS UNDER RULE
5.1

18
19 With the agreement of the parties, and with the consent of the defendant, the Court enters
20 this order scheduling an arraignment or preliminary hearing date of June 29, 2006 at 9:30A.M.
21 before the duty magistrate judge, and documenting the defendant's waiver of the preliminary
22 hearing date under Federal Rule of Criminal Procedure 5.1 and the exclusion of time under the
23 Speedy Trial Act, 18 U.S.C. § 3161(b), from June 1, 2006 to June 29, 2006. The parties agree,
24 and the Court finds and holds, as follows:

25 1. The defendant has been released on his own recognizance.
26 2. The defendant agrees to an exclusion of time under the Speedy Trial Act, 18 U.S.C. §
27 3161(h)(8)(B)(iv) to provide continuity of counsel and reasonable time necessary for effective
28 preparation, taking into account the exercise of due diligence.

1 3. The defendant waives the time limits of Federal Rule of Criminal Procedure 5.1 for
2 preliminary hearing.

3 4. Counsel for the defense believes that postponing the preliminary hearing is in his
4 client's best interest, and that it is not in his client's interest for the United States to indict the
5 case during the normal 20-day timeline established in Rule 5.1.

6 5. The Court finds that, taking into the account the public interest in the prompt
7 disposition of criminal cases, these grounds are good cause for extending the time limits for a
8 preliminary hearing under Federal Rule of Criminal Procedure 5.1. Given these circumstances,
9 the Court finds that the ends of justice served by excluding the period from June 1, 2006 to June
10 29, 2006 outweigh the best interest of the public and the defendant in a speedy trial. §
11 3161(h)(8)(A).

12 6. Accordingly, and with the consent of the defendant, the Court (1) sets a preliminary
13 hearing date before the duty magistrate judge on June 29, 2006 at 9:30A.M., and (2) orders that
14 the period from June 1, 2006 to June 29, 2006 be excluded from the time period for preliminary
15 hearings under Federal Rule of Criminal Procedure 5.1 and from Speedy Trial Act calculations
16 under 18 U.S.C. § 3161(h)(8)(A) & (B)(iv).

17
18 IT IS SO STIPULATED:

19
20 DATED: May 31, 2006

/s _____

RON TYLER
Attorney for Defendant

21
22
23 DATED: May 31, 2006

/s _____

ROBERT DAVID REES
Assistant United States Attorney

24
25
26 IT IS SO ORDERED.

27
28 DATED: June 19, 2006

HON. MARIA ELENA JAMES
United States Magistrate Judge